

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR CLARK COUNTY )

Case No. 10S00-1108-MS-486

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Clark Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E), and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Clark Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR10-AR00-5 and LR10-AR00-14 comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Clark County Local Rule LR10-AR00-5 is approved effective January 1, 2012 and Local Rule LR10-AR00-14, is approved effective the date of this Order. Both rules are set forth as an attachment to this Order.

IT IS FURTHER ORDERED that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Vicki Carmichael, Clark Superior Court 1, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Jerry F. Jacobi, Clark Superior Court 2, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Daniel Moore, Clark Circuit Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Joseph P. Weber, Clark Superior Court 3, 501 East Court Avenue, Jeffersonville, IN 47130-4029; to the Clerk of the Clark Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Clark Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 4<sup>th</sup> day of August, 2011.

Rt Shepard  
Acting Chief Justice of Indiana

**RULE 5**  
**[LR10-AR00-5]**  
**ALLOCATION OF CASES**

**A. Applicability.** This rule shall apply only to those cases filed in the Circuit Courts in Clark County, Indiana. This Rule shall not apply to misdemeanor cases filed in the Jeffersonville City Court or the Clarksville Town Court.

**B. Major Felony Cases.** Except as otherwise specifically provided for, all cases which include Murder, Class A Felony, Class B Felony, or Class C Felony offenses as the most serious charged shall be assigned on an equal basis between the Judge of the Clark Circuit Court No. 1 and the Clark Circuit Court No. 4. Cases with co-defendants shall be filed in the same court.

**C. Misdemeanor and Class D Felony Cases.** Except as otherwise specifically provided, all cases having a misdemeanor or Class D Felony as the most serious charge shall be assigned to the Judge of Circuit Court No. 3.

**D. Traffic-Related Cases.** All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Circuit Court No. 3.

**E. Controlled Substances Cases.** All Class A, Class B, Class C and Class D felony cases which include a charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Circuit Court No. 2. All new Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Circuit Court No. 3.

**F. Juvenile Criminal Cases.** All cases which include a misdemeanor or felony charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense, shall be assigned to the Judge of Circuit Court No. 4.

All cases which include a charge of Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Circuit Court No. 4.

**G. Attempt, Conspiracy, and Aiding Cases.** For purposes of this Rule, when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

**H. Re-filing of Dismissed Cases,** In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) base upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

**I. Juvenile Paternity Cases.** One-half of the Juvenile Paternity cases shall be assigned to the Judge of Circuit Court No. 1. One-half of the Juvenile Paternity cases shall be assigned on an equal basis to the Judges of Circuit Court No. 2 and No. 4.

**J. Other Juvenile Cases.** All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Circuit Court No. 4.

**K. Mortgage Foreclosure and Civil Collection Cases.** Mortgage Foreclosure cases shall be assigned on an equal basis to the Judges of Circuit Court No. 1 and Circuit Court No. 2.

**L. Civil Tort and Civil Plenary Cases.** Civil Tort and Civil Plenary cases shall be assigned on an equal basis to the Judges of Circuit Court No. 1, No. 2 and No. 4.

**M. Small Claims Cases.** All Small Claims cases shall be assigned to the Judge of Circuit Court No. 3.

**N. Mental Health Cases.** All Mental Health cases shall be assigned to the Judge of Circuit Court No. 1.

**O. Domestic Relations Cases.** Domestic Relations cases shall be assigned on an equal basis to the Judges of the Circuit Courts.

**P. Reciprocal Support Cases.** All Reciprocal Support cases shall be assigned to the Judge of Circuit Court No. 1.

**Q. Protective Order Cases.** All Protective Order cases shall be assigned to the Judge of Circuit Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.

**R. Guardianship and Estate Cases.** One-half of the Guardianship cases shall be assigned to the Judge of Circuit Court No. 1 and one-half of the Guardianship cases shall be assigned on an equal basis to the Judges of Clark Circuit Court No. 2 and No. 4. Estate cases (supervised and unsupervised) shall be assigned to the Judge of Circuit Court No. 1.

**S. Trust Cases.** All Trust cases shall be assigned to the Judge of Circuit Court No. 1.

**T. Adoption Cases.** All Adoption Cases shall be assigned on an equal basis to the Judges of the Circuit Courts.

**U. Family Court Exceptions.** This subsection applies to situations of pending CHINS or juvenile delinquency matters in Circuit Court No. 4. Notwithstanding any other provision of this Rule, when a family law case (e.g., dissolution, paternity, guardianship, adoption, reciprocal support) or a modification of an existing family law case involving the same family in the pending CHINS or juvenile delinquency matter is presented to the Clerk for filing, that matter

shall be filed in or transferred to Circuit Court No. 4. When a CHINS or juvenile delinquency case is filed in Circuit Court No. 4 after a family law case has been filed in any other court, the judge with jurisdiction over the family law case shall transfer that case to Circuit Court No. 4. The Judge of Circuit Court No. 4 may request a transfer of certain criminal cases where those cases have a direct impact on allocation of parenting time or placement of the child in a pending CHINS or delinquency matter.

**V. Exceptions for Defendant with Pending Cases.** When a new criminal case filing involves a defendant who has a pending criminal case, other than a Petition to Revoke Probation, the provisions of this subsection shall apply. If a defendant has a pending case in Circuit Court No. 1 or Circuit Court No. 4 and is charged with a new offense that is not (1) a traffic or driving related offense or (2) a felony drug or controlled substance offense, the new case shall be filed where the current case is pending. If a defendant has a pending case in Circuit Court No. 2 or Circuit Court No. 3 that is not (1) a traffic or driving related offense or (2) a felony drug or controlled substance offense, and a new case is filed against that defendant in Circuit Court No. 1 or Circuit Court No. 4, the pending case in the other court shall be transferred to Circuit Court No. 1 or Circuit Court No. 4 upon the filing of the new charge.

**W. Transfer of Cases.** When a Judge of the Circuit Court deems it appropriate, and consistent with the authority granted to these Courts by statute, any Judge of such Courts may enter an Order, after initial filing, transferring any civil, family or criminal case to the docket of any such other Court in Clark County.

**X. Error in Case Assignments.** Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated

**Y. Clerk Management of Case Assignment Process.** The Clerk of the Circuit Courts shall, upon the approval of the Judges of each such Court, implement and manage an appropriate, efficient system for distribution of cases described in the foregoing subsections as being the object of assignment "on an equal basis."

**RULE 14**  
**[LR10-AR00-14]**  
**COURT REPORTER SERVICES/FEEES**  
**AND**  
**ALCOHOL AND DRUG PROGRAM FEES**

**A. Definitions.** The following definitions shall apply under this Local Rule:

[1] *Court Reporter* - a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

[2] *Equipment* - physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

[3] *Work space* - that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

[4] *Page* - the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

[5] *Recording* - the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked* - those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

[7] *Gap hours worked* - those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

[8] *Overtime hours worked* - those hours worked in excess of forty (40) hours per work week.

[9] *Work week* - a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

[10] *Court* - the particular court for which the court reporter performs services. Court may also mean all the courts in Clark County.

[11] *County indigent transcript* - a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

[12] *State indigent transcript* - a transcript that is paid for from state funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript* - a transcript, including but not limited to a deposition transcript, which is paid for by a private party.

**B. Salaries.** Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation for compensatory time off regular work hours.

**C. Per Page Fees.** The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be five dollars and fifty cents (\$5.50) per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be five dollars and fifty cents (\$5.50) per page. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be five dollars and fifty cents (\$5.50) per page. The Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be twelve dollars and fifty cents (\$12.50) per page when the transcript must be prepared within 24 hours or less, and ten dollars (\$10.00) per page when the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

**D. Minimum Fee.** A minimum fee of fifty dollars (\$50.00) will be charged for transcripts less than ten (10) pages in length.

**E. Binding Fees.** An additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation shall be added to the cost of the transcript for the time spent binding the transcript and exhibit binders.

**F. Office Supplies.** A reasonable charge may be made for the costs of office supplies required and utilized for the preparation of the transcript, the binding of the transcript, and the electronic transmission of the transcript. This charge shall be based upon the Schedule of Transcript Supplies annually established and published by the judges of the courts of record of the county.

**G. Annual Report Requirement.** Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

**H. Private Practice.** If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours.

If a court reporter engages in such private practice and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- [1] the reasonable market rate for the use of equipment, work space and supplies;
- [2] the method by which records are to be kept for the use of equipment, work space and supplies; and
- [3] the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

**I. Disk as Official Record.** Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript" "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

**J. Alcohol and Drug Program Fees.** The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.